

**IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>VANESSA HINES AND DAVID M. HINES,</b>	)	
	)	
	)	
<b>Plaintiffs,</b>	)	<b>CIVIL ACTION</b>
	)	<b>FILE NO.</b>
<b>v.</b>	)	
	)	
<b>HOBBY LOBBY STORES, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**NOTICE OF REMOVAL**

COMES NOW Hobby Lobby Stores, Inc., Defendant in the above-styled action, by and through counsel of record, within the time prescribed by law, and files this Notice of Removal in the United States District Court for the Northern District of Georgia, Atlanta Division, and invokes this Court's jurisdiction over this matter, showing the Court as follows:

1.

Plaintiffs initiated this suit for personal injury on or about July 24, 2023 against Defendant by filing the Summons and Complaint ("Plaintiffs' Complaint") in the State Court of Gwinnett County, Georgia (Civil Action File No. 23-C-05141-S5). (Exhibit A, Plaintiffs' Complaint for Damages).

2.

Plaintiffs' Complaint alleges that Plaintiff Vanessa Hines sustained injuries due to a metal shelf falling on top of her at Defendant's store, located in Lawrenceville, Georgia. (Exhibit A, ¶¶ 4,8). Plaintiffs' Complaint goes on to allege that Plaintiffs Vanessa Hines and David M. Hines were married at the time of the subject incident, and continue to be married, such that Plaintiff David M. Hines is asserting a loss of consortium claim as a result of the injuries allegedly sustained by Plaintiff Vanessa Hines. (*Id.* at ¶¶ 18-19).

3.

Pursuant to the provisions of 28 U.S.C. §1446, Defendant attaches hereto as Composite Exhibit B copies of all pleadings and orders served upon Defendant, including copies of all pleadings filed and served to date in the State Court of Gwinnett County Georgia for the above-styled case.

4.

This case is subject to removal under 28 U.S.C. § 1332.

5.

Defendant Hobby Lobby Stores, Inc. is an Oklahoma Corporation, with a principal place of business located at 7707 SW 44<sup>th</sup> Street, Oklahoma City, Oklahoma, 73179-4808. (A true and correct copy of Defendant's 2023 Annual Registration filed with the Georgia Secretary of State's Office is attached hereto and

made a part hereof as Exhibit “C”). Defendant is not, and was not, a citizen of the State of Georgia at the time of, or immediately prior to, the filing and service of Plaintiff’s Complaint, or at any time thereafter. (*See generally*, Exhibit “C”).

6.

Plaintiffs Vanessa Hines and David M. Hines reside in the State of Georgia and have voluntarily availed themselves of the jurisdiction of courts in this state. (Exhibit A, ¶1).

7.

Complete diversity exists between Plaintiffs (citizens of Georgia) and Defendant (citizen of Oklahoma).

8.

Plaintiff’s Complaint alleges that she suffered injuries and incurred medical bills of \$150,000.00, “with future medical expenses assured...” as a result of the incident at Defendant’s store. (Exhibit A, ¶ 13).

9.

The amount in controversy is sufficient under 28 U.S.C. § 1332 (a). “[I]t is not the settlement value of a case that determines whether the jurisdictional amount is in controversy. The appropriate measure is the litigation value of the case assuming that the allegations of the complaint are true and assuming a jury returns a verdict for the plaintiff on all claims made in the complaint.” *Jackson v. Am.*

Bankers Ins. Co. of Fla., 976 F. Supp. 1450, 1454 (S.D. Ala. 1997) (citing *Burns v. Windsor Ins. Co.*, 31 F.3d 1092 (11th Cir. 1994). “It must appear to a legal certainty that the claim is really for less than the jurisdictional amount to justify dismissal.” *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 289 (1938) (emphasis added).

10.

Assuming Plaintiffs were to prevail on each of the claims set forth in their Complaint, which this Defendant denies, the matter in controversy has a value, exclusive of interest and costs, in excess of \$75,000. (See Exhibit A, ¶ 13).

11.

Consequently, this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332 (a) and 1441 because complete diversity exists between the parties to this action and the amount in controversy exceeds \$75,000.00.

12.

Pursuant to 28 U.S.C. § 1447, Defendant is not required to file a removal bond.

13.

By service of a copy of this Notice of Removal as evidenced by the Certificate of Service attached, Defendant hereby gives notice of such removal to Plaintiffs as required by 28 U.S.C. § 1446.

14.

A true and correct copy of this Notice of Removal will be filed with the Clerk of State Court of Gwinnett County, Georgia as required by 28 U.S.C. § 1446.

**Wherefore,** Defendant prays that the above-styled lawsuit be removed to the United States District Court for the Northern District of Georgia, Atlanta Division, that this Court take cognizance and jurisdiction over this claim from the State Court of Gwinnett County, Georgia, and that this action shall proceed as removed and under this Court's jurisdiction under 28 U.S.C. § 1332.

Respectfully submitted, this 24<sup>th</sup> day of August, 2023.

**CHARTWELL LAW**

3200 Cobb Galleria Parkway  
Suite 250  
Atlanta, GA 30339  
(404) 410-1151  
[wgreene@chartwelllaw.com](mailto:wgreene@chartwelllaw.com)  
[ktalley@chartwelllaw.com](mailto:ktalley@chartwelllaw.com)

/s/Whitney Lay Greene  
Whitney Lay Greene  
Georgia Bar No. 955783  
Kendra Talley  
Georgia Bar No. 013334

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THE NORTHERN DISTRICT OF GEORGIA  
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<b>VANESSA HINES AND DAVID</b>	)	
<b>M. HINES,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>CIVIL ACTION</b>
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<b>HOBBY LOBBY STORES, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1.B**

Counsel for the Defendant hereby certifies that this pleading was prepared in Times New Roman, 14 Point, in compliance with Local Rule 5.1.B.

Respectfully submitted, this 24<sup>th</sup> day of August, 2023.

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3200 Cobb Galleria Parkway  
Suite 250  
Atlanta, GA 30339  
(404) 410-1151  
[wgreene@chartwelllaw.com](mailto:wgreene@chartwelllaw.com)

/s/Whitney Lay Greene  
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	)	
<b>Defendant.</b>	)	

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a true and correct copy of the foregoing *Notice of Removal* to the following counsel of record by electronically filing with the Clerk of Court using the electronic CM/ECF System as follows:

Lee S. Goldstein  
Lee Goldstein Law, P.C.  
990 Hammond Drive, Suite 840  
Atlanta, GA 30328  
[lee@goldsteinlaw.com](mailto:lee@goldsteinlaw.com)

Laurie S. Robbins  
Robbins Law, P.C.  
P.O. Box 720393  
Atlanta, GA 30358  
[lrobbins@robbinslaw.com](mailto:lrobbins@robbinslaw.com)

*Signature on Following Page*

Respectfully submitted, this 24<sup>th</sup> day of August, 2023.

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Suite 250  
Atlanta, GA 30339  
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